



General Assembly

Substitute Bill No. 5025

February Session, 2004

* _____HB05025GAE____031704_____*

**AN ACT STRENGTHENING ETHICS LAWS CONCERNING GIFTS,
FINANCIAL DISCLOSURE AND STATE CONTRACTORS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-83 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) (1) All state-wide elected officers, members of the General
4 Assembly, department heads and their deputies, members of the
5 Gaming Policy Board, the executive director of the Division of Special
6 Revenue within the Department of Revenue Services, members or
7 directors of each quasi-public agency, members of the Investment
8 Advisory Council, state marshals and such members of the Executive
9 Department and such employees of quasi-public agencies as the
10 Governor shall require, shall file, under penalty of false statement, a
11 statement of financial interests for the preceding calendar year with the
12 commission on or before the May first next in any year in which they
13 hold such a position. Any such individual who leaves his or her office
14 or position shall file a statement of financial interests covering that
15 portion of the year during which such individual held his or her office
16 or position. The commission shall notify such individuals of the
17 requirements of this subsection within thirty days after their departure
18 from such office or position. Such individuals shall file such statement
19 within sixty days after receipt of the notification.

20 (2) Each state agency, department, board and commission shall
21 develop and implement, in cooperation with the Ethics Commission,
22 an ethics statement as it relates to the mission of the agency,
23 department, board or commission. The executive head of each such
24 agency, department, board or commission shall be directly responsible
25 for the development and enforcement of such ethics statement and
26 shall file a copy of such ethics statement with the Department of
27 Administrative Services and the Ethics Commission.

28 (b) (1) The statement of financial interests, except as provided in
29 subdivision (2) of this subsection, shall include the following
30 information for the preceding calendar year in regard to the individual
31 required to file the statement and the individual's spouse and
32 dependent children residing in the individual's household: (A) The
33 names of all businesses with which associated; (B) the category or type
34 of all sources of income in excess of one thousand dollars, without
35 specifying amounts of income; (C) the name of securities in excess of
36 five thousand dollars at fair market value owned by such individual,
37 spouse or dependent children or held in the name of a corporation,
38 partnership or trust for the benefit of such individual, spouse or
39 dependent children; (D) the existence of any known blind trust and the
40 names of the trustees; (E) all real property and its location, whether
41 owned by such individual, spouse or dependent children or held in the
42 name of a corporation, partnership or trust for the benefit of such
43 individual, spouse or dependent children; (F) the names and addresses
44 of creditors to whom the individual, the individual's spouse or
45 dependent children, individually, owed debts of more than ten
46 thousand dollars; [and] (G) any leases or contracts with the state held
47 or entered into by the individual or a business with which he or she
48 was associated; and (H) a description of any partnership, joint
49 ownership or similar business affiliation between (i) a business
50 included under subparagraph (A) of this subdivision with which the
51 individual filing the statement, the individual's spouse or a dependent
52 child of the individual is associated, and (ii) a lobbyist, a person that
53 the individual filing the statement knows or has reason to know is

54 doing business with or seeking to do business with the state or is
55 engaged in activities that are directly regulated by the department or
56 agency in which the individual is employed, or a business with which
57 such lobbyist or person is associated. (2) The statement of financial
58 interests filed by state marshals shall include only amounts and
59 sources of income earned in their capacity as state marshals.

60 (c) The statement of financial interests filed pursuant to this section
61 shall be a matter of public information, except the list of names, filed in
62 accordance with subparagraph (F) of subdivision (1) of subsection (b)
63 of this section shall be sealed and confidential and for the use of the
64 commission only after a complaint has been filed under section 1-82
65 and such complaint has been determined by a vote of the commission
66 to be of sufficient merit and gravity to justify the unsealing of such list
67 or lists and not open to public inspection unless the respondent
68 requests otherwise. If the commission reports its findings to the Chief
69 State's Attorney in accordance with subsection (c) of section 1-88, the
70 commission shall turn over to the Chief State's Attorney such relevant
71 information contained in the statement as may be germane to the
72 specific violation or violations or a prosecutorial official may subpoena
73 such statement in a criminal action. Unless otherwise a matter of
74 public record, the Ethics Commission shall not disclose to the public
75 any such subpoena which would be exempt from disclosure by the
76 issuing agency.

77 (d) Any individual who is unable to provide information required
78 under the provisions of subdivision (1) of subsection (b) of this section
79 by reason of impossibility may petition the commission for a waiver of
80 the requirements.

81 Sec. 2. Section 1-84 of the general statutes, as amended by section
82 146 of public act 03-6 of the June 30 special session, is amended by
83 adding subsection (p) as follows (*Effective October 1, 2004*):

84 (NEW) (p) No public official or state employee shall knowingly
85 accept, directly or indirectly, any goods or services provided to the

86 state under subdivision (5) of subsection (e) of section 1-79, by a person
87 prohibited from making gifts to public officials and state employees
88 under this section or section 1-97, without the approval of the
89 commission.

90 Sec. 3. (NEW) (*Effective October 1, 2004*) (a) Not later than thirty days
91 after the effective date of this section, each state agency and quasi-
92 public agency shall publish on the agency's web site each existing
93 contract entered into by the agency and having a cost of more than one
94 hundred thousand dollars.

95 (b) Not later than fifteen days after any state agency or quasi-public
96 agency enters into a contract having a cost of more than one hundred
97 thousand dollars, the agency shall publish such contract on the
98 agency's web site.

99 (c) As used in this section, "quasi-public agency" has the same
100 meaning as provided in section 1-79 of the general statutes.

101 Sec. 4. (NEW) (*Effective October 1, 2004*) (a) As used in this section,
102 (1) "gift" has the same meaning as provided in section 1-79 of the
103 general statutes, except that the exclusion in subdivision (12) of
104 subsection (e) of said section 1-79 for a gift for the celebration of a
105 major life event shall not apply, (2) "quasi-public agency", "public
106 official" and "state employee" have the same meanings as provided in
107 section 1-79 of the general statutes, and (3) "participated substantially"
108 has the same meaning as provided in regulations adopted by the State
109 Ethics Commission pursuant to section 1-92 of the general statutes.

110 (b) The State Properties Review Board shall not approve a contract
111 or lease, proposed by a state agency, except for The University of
112 Connecticut, and having a cost of more than five hundred thousand
113 dollars, unless the agency submits to said board:

114 (1) An affidavit, which shall be submitted by each person, firm or
115 corporation submitting a bid or proposal for the contract or lease. The
116 affidavit shall be submitted with the bid or proposal and shall be

117 signed by the official of the person, firm or corporation who submits
118 such bid or proposal. Such affidavit shall attest to whether or not such
119 person, firm, corporation, and any official or employee of the person,
120 firm or corporation or any agent of such official, employee or person,
121 firm or corporation, who participated substantially in preparing the
122 bid or proposal, provided a gift during the five-year period preceding
123 the submission of such bid or proposal to (A) any public official or
124 state employee of the state agency soliciting bids or proposals for the
125 contract or lease, or (B) any public official or state employee of any
126 other state agency having supervisory or appointing authority over
127 such state agency, which public official or state employee participated
128 substantially in the preparation of the bid solicitation or request for
129 proposals for the contract or lease. The affidavit shall also attest that no
130 such official or employee of the person, firm or corporation or agent of
131 such official, employee or person, firm or corporation knows of any
132 action by the person, firm or corporation to circumvent the
133 requirements of this subdivision by providing for any other official,
134 employee or agent to provide a gift to any such public official or state
135 employee. If any gift described in this subdivision was provided, the
136 affidavit shall include a description of the gift and the value and
137 approximate date of the gift;

138 (2) An affidavit signed by the official of the person, firm or
139 corporation awarded the contract or lease, which shall be submitted at
140 the time the contract or lease is executed. The affidavit shall attest to
141 whether or not gifts described in subdivision (1) of this subsection
142 were provided between the date of the affidavit under subdivision (1)
143 of this subsection and the date of execution of the contract or lease to
144 public officials or state employees who participated substantially in the
145 negotiation or award of the contract or lease. If any such gift was
146 provided, the affidavit shall include a description of the gift and the
147 value and approximate date of the gift;

148 (3) An affidavit, signed by each public official or state employee
149 who participated substantially in the bid solicitation or request for
150 proposals for the contract or lease, attesting to whether or not such

151 official or employee received a gift during the five-year period
152 preceding the submission of the bid or proposal from any person, firm
153 or corporation submitting a bid or proposal, any official or employee
154 of the person, firm or corporation, or any agent of such official,
155 employee, person, firm or corporation. If any such gift was received
156 under this subdivision, the affidavit shall include a description of the
157 gift and the value and approximate date of the gift; and

158 (4) An affidavit, signed by each public official or state employee
159 who participated substantially in the negotiation or award of the
160 contract or lease, attesting to whether or not gifts described in
161 subdivision (3) of this subsection were received between the date of
162 the affidavit under subdivision (3) of this subsection and the date of
163 execution of the contract or lease. If any such gift was received, the
164 affidavit shall include a description of the gift and the value and
165 approximate date of the gift.

166 (c) No quasi-public agency or The University of Connecticut shall
167 execute a contract or lease having a cost of more than five hundred
168 thousand dollars unless the agency or said university obtains the
169 affidavits described in subsection (b) of this section.

170 (d) The provisions of subsections (b) and (c) of this section shall also
171 apply to (1) any subcontract under a contract pursuant to said
172 subsections (b) and (c), which subcontract has a cost of more than five
173 hundred thousand dollars, and (2) an amendment to a contract, lease
174 or subcontract under said subsections (b) and (c), which amendment
175 has a cost of more than five hundred thousand dollars. The affidavits
176 required for such amendments shall apply to gifts provided or
177 received during the five-year period preceding the date of execution of
178 the amendment.

179 (e) The provisions of subsections (b), (c) and (d) of this section shall
180 not apply to a contract for a grant required under the general statutes
181 to be provided in accordance with a formula.

182 (f) Each affidavit required under this section shall be sworn as true

183 to the best knowledge and belief of the person signing the affidavit,
184 subject to the penalties of false statement.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>

GAE *Joint Favorable Subst.*